

1 Damion D. D. Robinson, SBN 262573  
damion.robinson@diamondmccarthy.com  
2 DIAMOND McCARTHY LLP  
355 South Grand Avenue, Suite 2450  
3 Los Angeles, California 90071  
Tel. (310) 979-8700  
4 Fax (310) 979-8701

5 *Attorneys for Plaintiffs Tayler Ulmer,*  
*Sergio Giancaspro, Cori Ershowsky, Alexis*  
6 *Geraci, Jamere Bowers, Adaku Ibekwe, and*  
7 *all others similarly situated*  
8

9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**  
11 **WESTERN DIVISION**

12 TAYLER ULMER; SERGIO  
13 GIANCASPRO; CORI ERSHOWSKY;  
14 ALEXIS GERACI; JAMERE BOWERS;  
and ADAKU IBEKWE, individually and on  
15 behalf of all others similarly situated,

16 Plaintiff,

17 vs.  
18

19 STREETTEAM SOFTWARE, LLC d/b/a  
20 POLLEN; NETWORK TRAVEL  
EXPERIENCES, INC; JUSEXPERIENCES  
21 UK LIMITED; CALLUM NEGUS-  
FANCEY; LIAM NEGUS-FANCEY; and  
22 JAMES ELLIS,

23 Defendants.  
24  
25  
26  
27  
28

**Case No. 2:23-cv-2226-HDV (AGRx)**

**JOINT RULE 26(f) REPORT**

**Scheduling Conference**

Date: 03/14/2024

Time: 10:00 a.m.

Action Filed: 9/22/2022

Trial Date: Not Set

1 GLOBAL GROWTH CAPITAL, S.À.R.L.,  
2 a Luxembourg private company,

3 Intervenor Plaintiff,

4 vs.

5 TAYLER ULMER, SERGIO  
6 GIANCASPRO, CORI ERSHOWSKY,  
7 ALEXIS GERACI, JAMERE BOWERS,  
8 and ADAKU IBEKWE, individuals, on  
9 behalf of themselves and all similarly  
10 situated employees; NETWORK TRAVEL  
11 EXPERIENCES, INC., f/k/a JusTours Inc.,  
12 a Delaware corporation; STREETTEAM  
13 SOFTWARE, LLC d/b/a POLLEN, a  
14 Delaware limited liability company;  
15 JUSEXPERIENCES UK LIMITED, a  
16 United Kingdom private limited company;  
17 CALLUM NEGUS-FANCEY, an  
18 individual; LIAM NEGUS-FANCEY, an  
19 individual; and JAMES ELLIS, an  
20 individual,

21 Intervenor Defendants.  
22  
23  
24  
25  
26  
27  
28

1 Plaintiffs Tayler Ulmer, Sergio Giancaspro, Cori Ershowsky, Alexis Geraci,  
 2 Jamere Bowers, and Adaku Ibekwe (collectively, “Plaintiffs”), Defendants Callum  
 3 Negus-Fancey, Liam Negus-Fancey, and James Ellis (collectively, “Individual  
 4 Defendants”; collectively with the Entity Defendants, “Defendants”), and Intervenor  
 5 Plaintiff Global Growth Capital, S.à.r.l. (“Intervenor Plaintiff”) respectfully submit this  
 6 Joint Rule 26(f) Report pursuant to Fed. R. Civ. P. 26(f), Local Rule 26, and Part B of  
 7 the Court’s Order Setting Scheduling Conference.

8 Counsel for Plaintiffs and Intervenor Plaintiff, and Individual Defendants in *pro*  
 9 *per*, met and conferred on February 19, 2024 concerning the matters herein.<sup>1</sup>

### 10 **1. Statement of the Case**

11 This is a putative class and collective action for unpaid wages, violation of the  
 12 Worker Adjustment and Retaining Notification Act of 1988, 29 U.S.C. § 2101, *et seq.*  
 13 (the “WARN Act”) and state-law equivalents, and violation of the Fair Labor Standards  
 14 Act, 29 U.S.C. § 201, *et seq.* (“FLSA”). Plaintiffs allege that the Entity Defendants  
 15 failed to pay workers for several weeks before abruptly shutting down and laying off  
 16 substantially all employees without prior notice.

17 Plaintiffs further allege that the Individual Defendants are responsible officers  
 18 or controlling persons of the Entity Defendants and are, thus, liable for the unpaid  
 19 wages. They also contend that the Individual Defendants engaged in fraud in inducing  
 20 workers to continue working without pay. The Individual Defendants deny these  
 21 allegations.

22 Intervenor Plaintiff alleges that it is a secured creditor of the Entity Defendants  
 23 with a perfected senior lien on all assets of the Entity Defendants, and, through its  
 24 Complaint in Intervention (the “Complaint in Intervention”) [ECF No. 69] asserts a  
 25 claim for declaratory relief in relation thereto. Plaintiffs contend that they may have a  
 26 lien for unpaid wages that has priority over Intervenor Plaintiff’s liens under state law.

---

27 <sup>1</sup> The business entity defendants, Streetteam Software, LLC, Network Travel  
 28 Experiences, Inc., and JusExperiences UK Limited (collectively, “Entity Defendants”) remain in default.

1           **2. Subject Matter Jurisdiction**

2           The Court has federal question jurisdiction because Plaintiffs' claims pursuant  
3 to the FLSA and the WARN Act arise under federal law. *See* U.S. Const., Art. III, § 2;  
4 28 U.S.C. § 1331. The Court has supplemental jurisdiction over Plaintiffs' state-law  
5 claims, and Intervenor Plaintiff's claim for declaratory relief pursuant to 28 U.S.C. §  
6 1367.

7           The Court also has jurisdiction under the Class Action Fairness Act, 28 U.S.C.  
8 § 1332(d)(2), because (a) there is "minimal diversity" between Plaintiffs and the  
9 Individual Defendants, who are residents of the United Kingdom; and (b) the amount  
10 in controversy in this matter exceeds \$5,000,000.

11           **3. Legal Issues**

12                 **a. Plaintiffs' Affirmative Claims**

13           The primary legal issue is whether the Individual Defendants are liable for the  
14 default Entity Defendants' failure to pay wages and/or violation of the WARN Act,  
15 under state law, the FLSA, and/or equitable doctrines, such as veil piercing and alter  
16 ego. Plaintiffs believe that the facts and legal issues underlying the substantive claims,  
17 such as the failure to pay wages and failure to issue WARN Act notices, will not be  
18 seriously contested, and that the primary merits issues involve identifying the number  
19 of affected employees and calculating damages.

20                 **b. Intervenor Plaintiff's Claims**

21           The primary legal issue in connection with Intervenor Plaintiff's Complaint in  
22 Intervention is whether its perfected security interests in all of the assets of the Entity  
23 Defendants have priority over the Plaintiffs' alleged legal rights and interests in the  
24 Entity Defendants' assets. Intervenor Plaintiff contends that they do. Plaintiffs contend  
25 that they do not under applicable state law.

26           **4. Parties, Evidence, etc.**

27                 **a. Parties**

28           The parties are:

Plaintiffs:

Tayler Ulmer  
Sergio Giancaspro  
Cori Ershowsky,  
Alexis Geraci  
Jamere Bowers  
Adaku Ibekwe

Entity Defendants:

Streetteam Software, LLC,  
Network Travel Experiences, Inc.  
JusExperiences UK Limited

Affiliated Entities as agreed upon by all parties:

StreetTeam Software Limited (Parent Company)  
JusExperiences UK Limited (2019) d/b/a “Trippr,” formerly Justours UK  
Justours, Inc.  
2504030 Ontario Inc.  
The Physical Network LLC  
JusCollege Mexico  
2504031 Delaware Inc.  
Freelivin Entertainment, Inc.  
Ibiza International Music Summit SL

Affiliated Entities as alleged by Plaintiff:

Lets Go Crazy Limited  
Lets Go Crazy Holdings Limited  
Lets Go Crazy Music Limited

Lets Go Music Limited  
Lets Go Group Limited  
Portland Supplies Limited  
YourVine Limited  
Freemavens Limited  
The Physical Network Limited  
Lets Go Group Limited  
Beyond.Life Ltd

Individual Defendants

Callum Negus-Fancey  
Liam Negus-Fancey  
James Ellis

Intervenor Plaintiff

Global Growth Capital, S.à.r.l.

**b. Witnesses**

To date, in addition to the named parties, Plaintiffs have identified the following primary percipient witnesses:

Sam Thacker (former Chief of Staff, Commercial)  
Collin Duwe (former employee)  
Leila Rastegar Zegna (former Director)  
Anne Bedi (former Chief People Officer)  
Marc Kallick (former Chief Financial Officer)  
Representatives of Kroll (Administrator of Parent Company)

In addition, Plaintiffs anticipate presenting testimony of a reasonable sampling of former employees.

Intervenor Plaintiff has identified the following witnesses relevant to its claim for declaratory relief set forth in its Complaint in Intervention:

Harsh Patel (Intervenor Plaintiff founder and partner)

James Ellis

### **c. Evidence**

Plaintiffs believe that the primary documentary evidence on the merits will be employee and payroll records, employment contracts, and severance agreements. In addition, Plaintiffs intend to present a series of emails and other communications with employees leading up to the Entity Defendants' closure concerning the companies' finances and employee pay and benefits, as well as public statements from company leadership.

Regarding Plaintiffs' claims for individual liability, Plaintiffs intend to present corporate records of the Entity Defendants, financial records, account statements, and evidence of expense reimbursements, which Plaintiffs contend were inappropriate. Individual Defendants will present evidence from Companies House (i.e. the United Kingdom government's executive agency overseeing corporate entities) which displays the lack of control between the individuals and the alleged entity defendants.

Regarding Intervenor Plaintiff's claim for declaratory relief, the primary documentary evidence on the merits consists of the exhibits attached to its Complaint in Intervention—namely, the operative loan documents and evidence of perfection of Intervenor Plaintiff's liens.

### **5. Damages**

Plaintiffs estimate that unpaid wages and benefits class-wide are approximately \$6,000,000, reflecting three payroll periods. In addition, Plaintiffs seek WARN Act damages of approximately \$8,000,000, reflecting 60 days of wages. Plaintiffs also seek liquidated damages under the FLSA and state law, punitive damages, interests, fees, and costs.

Intervenor Plaintiff is not seeking money damages. Rather, it is seeking a declaratory judgment that its prior perfected liens take priority over any alleged liens Plaintiffs may have as a result of the above-described claims and allegations.

**6. Insurance**

The parties are unaware of any insurance that might provide coverage.

**7. Motions**

**a. Procedural Motions.**

Plaintiffs may seek leave to amend if additional affiliated entities are uncovered during the discovery process.

**b. Dispositive Motions.**

The Individual Defendants intend to file a Motion to Dismiss and/or Motion for Summary Judgment as to their personal liability regarding the actions of the entity defendants.

Intervenor Plaintiff intends to file a motion for summary judgment on its Complaint in Intervention.

**c. Class Certification Motion.**

Although Plaintiffs anticipate being able to move for class certification within 120 days of the scheduling conference, this is dependent to some extent on the availability of employee and payroll data from Defendants. Plaintiffs understand that the Entity Defendants have been closed for some time and the Individual Defendants have asserted that the Entity Defendants' records may be in the possession of the Administrator of the Entity Defendants' parent company in the United Kingdom.

In an abundance of caution, the parties submit the attached Class Certification Plan providing for 210 days to move for class certification given the potential need to obtain evidence abroad.

**8. Discovery**

**a. Status of Discovery**

Plaintiffs have served an initial round of written discovery on the Individual



1 Defendants.

2 The parties do not believe that any formal discovery will be necessary with  
 3 respect to Intervenor Plaintiff's Complaint in Intervention. Intervenor Plaintiff has  
 4 agreed to provide documentation supplemental to the exhibits attached to its Complaint  
 5 in Intervention, on an informal basis, as reasonably necessary and requested, and  
 6 reserves the right to assert objections to any such requests under applicable Rules of  
 7 Civil Procedure.

8 **b. Discovery Plan**

9 i. Initial Disclosures

10 The parties have agreed to exchange Initial Disclosures prior to the Scheduling  
 11 Conference.

12 ii. Subjects of Discovery

13 Plaintiffs presently intend to take discovery on the following subjects:

- 14 • Defendants' employment and payroll records, reflecting the number of  
 15 employees, their location, wages, and benefits.
- 16 • The Entity Defendants' corporate structure and the identities of  
 17 Defendants officers, directors, and managing agents;
- 18 • The Entity Defendants' financial condition and financial transactions,  
 19 including the use and potential commingling or misuse of company funds;
- 20 • The Individual Defendant's knowledge of the Entity Defendants'  
 21 financial condition and representations regarding the same;
- 22 • The Entity Defendants' discontinuance of payroll and benefits in or about  
 23 August 2022;
- 24 • The Entity Defendants' series of layoffs in 2022 as well as severance  
 25 agreements entered in connection with those layoffs;
- 26 • The sale of certain assets of the Entity Defendants in or about August of  
 27 2022 and efforts to sell the Entity Defendants leading up to August of  
 28 2022.

- The Entity Defendants' series of layoffs in 2023

iii. Phased Discovery

The parties do not believe that phased discovery is necessary.

iv. Changes to FRCP Limits

The parties believe that the total number of depositions should be a maximum of 25 per side, and that the discovery limits provided by the Federal Rules are otherwise sufficient. However, depending on the results of the initial depositions of Plaintiffs, and the determination of a motion for class certification, Individual Defendants believe that there may be a possibility that additional depositions of class members will be necessary prior to trial.

v. Other Matters

There may be a need to take discovery abroad, primarily in the United Kingdom, due to the Entity Defendants' parent company being located in London.

**9. Settlement Conference / Alternative Dispute Resolution (ADR)**

The parties are amenable to private mediation and/or a settlement conference.

**10. Trial**

**a. Trial Estimate**

As discussed below, the parties believe that trial should be phased with the first phase of trial focused the individual liability of the Individual Defendants. If the Individual Defendants are found liable, an additional trial phase would be needed for punitive damages.

Plaintiffs and Intervenor Plaintiff may need a short bench trial on lien-priority issues in the event Intervenor Plaintiff is not successful on summary judgment.

**b. Jury or Court Trial**

Plaintiffs request a Jury trial as to the Individual Defendants' liability and punitive damages. The Individual Defendants request a Bench trial as to all aspects of this case.

Bench trial as to lien priority claims.

1 **c. Consent to Trial Before Magistrate**

2 **d. Lead Trial Counsel**

3 **i. Plaintiffs**

4 Plaintiffs respectfully request that the following attorneys be designated as co-  
5 lead trial counsel. Plaintiffs believe that a co-lead designation is appropriate as two  
6 independent firms represent Plaintiffs and the putative class:

7 Valdi Licul, Wigdor LLP

8 Damion Robinson, Robinson Markevitch LLP

9 **ii. Defendants**

10 The Individual Defendants are currently representing themselves in *pro per*.

11 **iii. Intervenor Plaintiff**

12 Intervenor Plaintiff is represented by Foley & Lardner, LLP, with Emil P.  
13 Khatchatourian as lead counsel.

14 **11. Independent Expert or Master**

15 The parties believe that a special master may be appropriate to calculate unpaid  
16 wages and benefits, statutory damages, and penalties. Given the number of employees  
17 involved, calculating lost wages and similar components of damages may require  
18 significant time.

19 **12. Other Issues**

20 **a. Staged Proceedings**

21 The parties believe that it would be appropriate to stage the proceedings in  
22 phases given that the core issues in dispute relate to the Individual Defendants'  
23 personal liability. While Intervenor Plaintiff supports this approach as to the primary  
24 action, Intervenor Plaintiff has a strong preference for summary judgment proceedings  
25 on its Complaint in Intervention to proceed in parallel and is opposed to addressing the  
26 lien-priority issues only after the underlying alleged claims and liabilities are resolved.

27 In the first phase, Plaintiffs would seek to prove up the underlying wage  
28 violations and WARN Act violations as well as damages. Plaintiffs believe that this

1 can be accomplished without the need for a full trial given that the basic facts – *i.e.*,  
 2 the dates the Entity Defendants’ ceased paying wages and providing benefits, the dates  
 3 of layoffs, and the absence of WARN Act notices, do not appear to be disputed.

4 In the second phase, Plaintiffs would try issues relating to the Individual  
 5 Defendants’ liability, including their liability for wage and WARN Act violations  
 6 committed by the entities, and independent liability on Plaintiffs’ claim for fraud. In  
 7 the second phase, to the extent the Individual Defendants are found liable, the parties  
 8 would have to try issues relating to punitive damages.

9 Plaintiffs and Intervenor Plaintiff believe that the lien-priority issues may be  
 10 resolved as a matter of law or, if not, in a short bench trial.

11 **b. Discovery in Foreign Jurisdictions**

12 The parties anticipate that some discovery will be needed in the United Kingdom  
 13 given that the Individual Defendants are residents of the United Kingdom and the  
 14 Entity Defendants’ parent company was headquartered there.

15 Dated: February 29, 2024

Respectfully submitted,

17 s/ Damion Robinson  
 Damion D. D. Robinson  
 DIAMOND McCARTHY LLP

19 *Attorneys for Plaintiffs Tayler Ulmer,*  
*Sergio Giancaspro, Cori Ershowsky,*  
*Alexis Geraci, Jamere Bowers, and*  
*Adaku Ibekwe and all others similarly*  
*situated*

**EXHIBIT "A"****CLASS CERTIFICATION PLAN**

The parties propose the following Class Certification Plan, considering likely discovery issues arising the Entity Defendants' closure and the potential need to take discovery from the Entity Defendants' parent company and/or its administrator.

**Written Discovery Among Parties (0-90 days):** The parties will complete written discovery between them in the next 60 to 90 days. During this time, the Individual Defendants will endeavor to obtain available information relating to the Entity Defendants' operations, including employee records, payroll records, and benefits records, as well as pertinent communications.

**Third-Party Discovery (60-180 Days):** To the extent Plaintiffs are unable to gather sufficient evidence from the Individual Defendants to move for certification, Plaintiffs will seek discovery from Defendants' parent company as well as other third-parties, such as payroll processors and benefits administrators.

**Deposition Discovery (120-210 Days):** Plaintiffs will take any necessary depositions to move for class certification. Plaintiffs anticipate taking depositions of the Individual Defendants and potentially 30(b)(6) or equivalent depositions of the Entity Defendants and affiliates. To the extent necessary, Defendants will take depositions of the named Plaintiffs.

**Motion for Class Certification:** To be filed 210 days from the Scheduling Conference. The parties propose 30 days from filing of the Motion to oppose, and two weeks from the Opposition to reply.

# # #

## JUDGE HERNÁN D. VERA

**SCHEDULE OF PRETRIAL AND TRIAL DATES WORKSHEET**

Please complete this worksheet jointly and file it with your Joint Rule 26(f) Report.

The Court **ORDERS** the parties to make every effort to agree on dates.

**Note:** Hearings shall be on Thursdays at 10:00 a.m.  
Other dates can be any day of the week.

Case No. 2:23-cv-2226	Case Name: Ulmer, et al. v. StreetTeam Software, LLC, et al.				
Trial and Final Pretrial Conference Dates	Timing	Pl(s)' Date mm/dd/yyyy	Def(s)' Date mm/dd/yyyy	Court Order mm/dd/yyyy	
Plaintiffs request a Jury Trial Individual Defendants request a Court Trial (Tuesday at 9:00 a.m.) Estimated Duration: _____ Days	Within 18 months after Complaint filed	09/08/2025	09/08/2025	[X] Jury Trial [ ] Court Trial 15 _____ Days	
Final Pretrial Conference ("FPTC") [L.R. 16] (Tuesday at 10:00 a.m.)	21 days before trial	08/18/2025	08/18/2025		
Hearing on Motions In Limine	28 days before trial	08/11/2025	08/11/2025		
Event	Weeks After Scheduling Conference	Pl(s)' Date mm/dd/yyyy	Def(s)' Date mm/dd/yyyy	Court Order mm/dd/yyyy	
Last Date to <b><u>Hear</u></b> Motion to Amend Pleadings /Add Parties	12	06/06/2024	06/06/2024		
Event <sup>1</sup>	Weeks Before FPTC	Pl(s)' Date mm/dd/yyyy	Def(s)' Date mm/dd/yyyy	Court Order mm/dd/yyyy	
Fact Discovery Cut-Off (no later than deadline for <b><u>filing</u></b> dispositive motion)	22	03/17/2025	03/17/2025		
Expert Disclosure (Initial)	21	03/24/2025	03/24/2025		
Expert Disclosure (Rebuttal)	19	04/07/2025	04/07/2025		
Expert Discovery Cut-Off	17 <sup>2</sup>	04/21/2025	04/21/2025		
Last Date to <b><u>Hear</u></b> Motions	11	06/02/2025	06/02/2025		
Deadline to Complete Settlement Conference [L.R. 16-15] <b><u>Select one:</u></b> [X] 1. Magistrate Judge (with Court approval) [ ] 2. Court's Mediation Panel	6	07/07/2025	07/07/2025	[ ] 1. Mag. J. [ ] 2. Panel [ ] 3. Private	

Event	Weeks Before FPTC	Pl(s)' Date mm/dd/yyyy	Def(s)' Date mm/dd/yyyy	Court Order mm/dd/yyyy
<b><u>Trial Filings (first round)</u></b> <ul style="list-style-type: none"> <li>• Motions In Limine</li> <li>• Memoranda of Contentions of Fact and Law [L.R. 16-4]</li> <li>• Witness Lists [L.R. 16-5]</li> <li>• Joint Exhibit List [L.R. 16-6.1]</li> <li>• Joint Status Report Regarding Settlement</li> <li>• Proposed Findings of Fact and Conclusions of Law [L.R. 52] (<i>court trial only</i>)</li> <li>• Declarations containing Direct Testimony, if ordered (<i>court trial only</i>)</li> </ul>	4	07/21/2025	07/21/2025	
<b><u>Trial Filings (second round)</u></b> <ul style="list-style-type: none"> <li>• Oppositions to Motions In Limine</li> <li>• Joint Proposed Final Pretrial Conference Order [L.R. 16-7]</li> <li>• Joint/Agreed Proposed Jury Instructions (<i>jury trial only</i>)</li> <li>• Disputed Proposed Jury Instructions (<i>jury trial only</i>)</li> <li>• Joint Proposed Verdict Forms (<i>jury trial only</i>)</li> <li>• Joint Proposed Statement of the Case (<i>jury trial only</i>)</li> <li>• Proposed Additional Voir Dire Questions, if any (<i>jury trial only</i>)</li> <li>• Evidentiary Objections to Decls. of Direct Testimony (<i>court trial only</i>)</li> </ul>	2	08/04/2025	08/04/2025	

**CERTIFICATE OF SERVICE**

On November 22, 2023, I served a copy of the foregoing document entitled:

**NOTICE OF LODGING OF PROPOSED ORDER DENYING MOTIONS TO SET ASIDE DEFAULT OF DEFENDANTS CALLUM NEGUS-FANCEY, LIAM NEGUS-FANCEY, AND JAMES ELLIS**

on the interest parties in this action as follows:

I filed the document using the Court's CM/ECF online filing system and am informed and believe that filing through CM/ECF will result in electronic notice to all registered CM/ECF users.

Additionally, I served the following parties via email to their email addresses of record in this action as follows:

Defendant James Ellis: [james.andrew.ellis@gmail.com](mailto:james.andrew.ellis@gmail.com)

Defendant Liam Negus-Fancey: [liamnf1993@gmail.com](mailto:liamnf1993@gmail.com)

Defendant Callum Negus-Fancey: [Callumnf2@gmail.com](mailto:Callumnf2@gmail.com)

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 29<sup>th</sup> day of February at Los Angeles, California.

\_\_\_\_\_  
Damion Robinson